

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of HAROLD LAMAR O'NEAL III  
and CHRISTOPHER DAVON DOXTATER,  
Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANNALISHA DOXTATER,

Respondent-Appellant,

and

HAROLD LAMAR O'NEAL, JR.,

Respondent.

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UNPUBLISHED  
September 23, 2003

No. 244991  
Wayne Circuit Court  
Family Division  
LC No. 00-386004

Before: Whitbeck, C.J., and Gage and Zahra, JJ.

MEMORANDUM.

Respondent-appellant Annalisha Doxtater appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant's older son Harold was taken into protective custody because of allegations that respondent-appellant had abandoned the child. Her younger son Christopher was taken into protective custody only eleven days after his birth because respondent-appellant was living in a shelter at the time of the child's birth, and because respondent-appellant already had one child in foster care. The record is clear that, after more than 2 ½ years, respondent-appellant still had not obtained suitable housing, and also failed to fully complete or comply with other important aspects of her parent-agency agreement. Despite attending some parenting classes, respondent-appellant failed to benefit from the classes and failed to attend additional classes as required. Additionally, respondent-appellant failed to address anger and domestic violence

issues in counseling as required, and she failed to maintain employment. “[A] parent’s failure to comply with the parent-agency agreement is evidence of a parent’s failure to provide proper care and custody for the child.” *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Contrary to respondent-appellant’s argument, petitioner was not required to prove that termination of respondent-appellant’s parental rights was in the children’s best interests. Rather, once a statutory basis for termination has been established, termination is required unless the court finds that it is *clearly not* in the child’s best interests. MCL 712A.19b(5); *In re JK, supra*; *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Here, considering respondent-appellant’s sporadic progress and failure to obtain suitable housing, and that Harold had been in foster care for most of his life and Christopher for all of his life, the evidence did not show that termination of respondent-appellant’s parental rights was clearly not in the children’s best interests. The court did not clearly err by refusing to further delay permanency for the children and terminating respondent-appellant’s parental rights to the minor children.

Affirmed.

/s/ William C. Whitbeck  
/s/ Hilda R. Gage  
/s/ Brian K. Zahra